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6 Attorneys for Defendant, HILL STREET JEWELERS USA, INC. d/b/a HOT JEWELRY  
7 AUCTIONS.COM d/b/a JEWELRY OVERSTOCK AUCTIONS and HILL STREET JEWELERS  
USA, INC. d/b/a HOT JEWELRY AUCTIONS.COM d/b/a PARAMOUNT AUCTIONS

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

11 MICHELE MAZUR and SARAH BATES, )  
12 individually and for all others similarly )  
situated, )  
13 Plaintiff(s), )  
14 vs. )  
15 EBAY, INC., HOT JEWELRY )  
AUCTIONS.COM d/b/a JEWELRY )  
16 OVERSTOCK AUCTIONS, HOT )  
JEWELRY AUCTIONS.COM d/b/a )  
17 PARAMOUNT AUCTIONS, NEIMANS )  
JEWELRY, GOANTIQUES.COM, INC., )  
18 and DOES 1-200, inclusive, )  
19 Defendant(s). )  
\_\_\_\_\_  
CASE NO.: C 07 3967 MHP  
  
**DEFENDANT HILL STREET JEWELERS  
USA, INC. d/b/a HOT JEWELRY  
AUCTIONS.COM d/b/a JEWELRY  
OVERSTOCK AUCTIONS and HILL  
STREET JEWELERS USA, INC. d/b/a HOT  
JEWELRY AUCTIONS.COM d/b/a  
PARAMOUNT AUCTIONS ANSWER TO  
THE FIRST AMENDED CLASS ACTION  
COMPLAINT**

21 DEFENDANT, HILL STREET JEWELERS USA, INC. d/b/a HOT JEWELRY  
22 AUCTIONS.COM d/b/a JEWELRY OVERSTOCK AUCTIONS and HILL STREET JEWELERS  
23 USA, INC. d/b/a HOT JEWELRY AUCTIONS.COM d/b/a PARAMOUNT AUCTIONS  
24 (“Defendant”), by and through undersigned counsel, hereby submits its answer to the First Amended  
25 Complaint filed by plaintiffs Michele Mazur and Sarah Bates (“Plaintiffs”) herein:

## **NATURE OF THE CASE**

27 1. Defendant lacks information and belief sufficient to enable it to answer the allegations

1 contained within paragraph 1 of the Amended Complaint and therefore denies the allegations contained  
2 therein.

3           2. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 2 of the Amended Complaint and therefore denies the allegations contained  
5 therein.

6           3.     Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 3 of the Amended Complaint and therefore denies the allegations contained  
8 therein.

9       4.     Defendant lacks information and belief sufficient to enable it to answer the allegations  
10    contained within paragraph 4 of the Amended Complaint and therefore denies the allegations contained  
11    therein.

12       5.     Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 5 of the Amended Complaint and therefore denies the allegations contained  
14 therein.

15       6.      Defendant admits that plaintiffs purport to bring this putative Class Action pursuant to  
16 Federal Rules of Civil Procedure 23(a), (b)(1), (b)(2), and (b)(3). Except as expressly admitted,  
17 defendant denies each and every other allegation contained within paragraph 6 of the amended  
18 Complaint.

19       7.     Defendant lacks information and belief sufficient to enable it to answer the allegations  
20 contained within paragraph 7 of the Amended Complaint and therefore denies the allegations contained  
21 therein.

## **JURISDICTION AND VENUE**

23       8.      Defendant admits that plaintiffs purport to state a claim pursuant to 28 USC §1332.  
24 Except as expressly admitted, defendant denies each and every other allegation contained within  
25 paragraph 8 of the Amended Complaint.

26 9. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 9 of the Amended Complaint and therefore denies the allegations contained

1 therein.

2 **PARTIES**

3 10. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 10 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6 11. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 11 of the Amended Complaint and therefore denies the allegations  
8 contained therein. .

9 12. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 12 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12 13. Defendant admits that it is located at 2057 South Atlantic Boulevard, Los Angeles,  
13 California 90040. Defendant also admits that it operates internet jewelry auctions using eBay live  
14 auctions.

15 14. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 14 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18 15. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 15 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21 16. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 16 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24 **CLASS ACTION ALLEGATIONS**

25 17. Defendant admits that plaintiffs purport to bring this Class Action pursuant to Federal  
26 Rule of Civil Procedure 23. Except as expressly admitted, defendant lacks information and belief  
27 sufficient to enable it to answer the additional allegations contained in Paragraph 17 of the Amended  
28

1 Complaint and therefore denies the allegations contained therein.

2       18. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 18 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5       19. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 19 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8       20. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 20 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

11       21. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 21 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14       22. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 22 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17       23. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 23 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20       24. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 24 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23       25. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 25 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26       26. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 26 of the Amended Complaint and therefore denies the allegations  
28

1 || contained therein.

2       27. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 27 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5       28.     Defendant admits that it conducts substantial business in California and that it maintains  
6 its principal office in California. Except as expressly admitted, defendant lacks information and belief  
7 sufficient to enable it to answer the other allegations contained within Paragraph 28 of the Amended  
8 Complaint and therefore denies the other allegations contained therein.

## **STATEMENT OF FACTS**

10        29. As to the allegation at Page 6, Line 23 of the Amended Complaint that “eBay promises  
11 that live actions are safe; they are not,” Defendant lacks sufficient information and belief to enable it  
12 to answer that allegation therefore denies the same. Defendant lacks information and belief sufficient  
13 to enable it to answer the allegations contained within paragraph 29 of the Amended Complaint and  
14 therefore denies the allegations contained therein.

15       30.     Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 30 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       31. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 31 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       32. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 32 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       33. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 33 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27 34. Defendant lacks information and belief sufficient to enable it to answer the allegations

1 contained within paragraph 34 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       35. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 35 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       36. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 36 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       37. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 37 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       38. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 38 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       39. As to the allegation at page 9, lines 14 - 15 of the Amended complaint that "SOM  
16 AUCTIONS, INCLUDING ALL AUCTIONS HELD BY SELLER DEFENDANTS, ARE COMPLETE  
17 FRAUDS," Defendant lacks information and belief sufficient to enable it to answer those allegations  
18 and therefore denies the same. Defendant lacks information and belief sufficient to enable it to answer  
19 the allegations contained within paragraph 39 of the Amended Complaint and therefore denies the  
20 allegations contained therein.

21       40. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 40 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       41. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 41 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       42. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 42 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       43. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 43 of the Amended Complaint and therefore denies the allegations contained  
5 therein.

6       44. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 44 of the Amended Complaint and therefore denies the allegations  
8 contained therein. As for the allegation at page 10, line 11 of the Amended Complaint regarding the  
9 alleged "details of HJA fraud," Defendant lacks information and belief sufficient to enable it to answer  
10 that allegation and therefore denies the same.

11       45. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 45 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14       46. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 46 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17       47. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 47 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20       48. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 48 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23       49. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 49 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26       50. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 50 of the Amended Complaint and therefore denies the allegations  
28

1 contained therein.

2       51. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 51 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5       52. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 52 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8       53. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 53 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

11       54. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 54 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14       55. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 55 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17       56. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 56 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20       57. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 57 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23       58. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 58 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26       59. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 59 of the Amended Complaint and therefore denies the allegations  
28

1 contained therein.

2       60. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 60 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5       61. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 61 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8       62. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 62 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

11       63. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 63 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14       64. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 64 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17       65. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 65 of the Amended Complaint and therefore denies the allegations  
19 contained therein. As to the allegation at page 16 lines 5-7, defendant lacks information and belief  
20 sufficient to enable it to answer those allegations and therefore denies same.

21       66. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 66 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       67. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 67 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       68. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 68 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       69. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 69 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       70. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 70 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       71. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 71 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       72. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 72 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       73. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 73 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       74. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 74 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       75. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 75 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       76. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 76 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       77. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 77 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       78. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 78 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       79. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 79 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       80. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 80 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       81. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 81 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       82. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 82 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       83. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 83 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       84. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 84 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       85. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 85 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       86. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 86 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       87. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 87 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       88. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 88 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       89. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 89 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       90. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 90 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       91. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 91 of the Amended Complaint and therefore denies the allegations  
17 contained therein. As to the allegations at page 20, lines 15-16, defendant lacks information and belief  
18 sufficient to enable it to answer those allegations and therefore denies same.

19       92. Defendant lacks information and belief sufficient to enable it to answer the allegations  
20 contained within paragraph 92 of the Amended Complaint and therefore denies the allegations  
21 contained therein.

22       93. Defendant lacks information and belief sufficient to enable it to answer the allegations  
23 contained within paragraph 93 of the Amended Complaint and therefore denies the allegations  
24 contained therein.

25       94. Defendant lacks information and belief sufficient to enable it to answer the allegations  
26 contained within paragraph 94 of the Amended Complaint and therefore denies the allegations  
27 contained therein.

1       95. Defendant lacks information and belief sufficient to enable it to answer the allegations  
2 contained within paragraph 95 of the Amended Complaint and therefore denies the allegations  
3 contained therein.

4       96. Defendant lacks information and belief sufficient to enable it to answer the allegations  
5 contained within paragraph 96 of the Amended Complaint and therefore denies the allegations  
6 contained therein.

7       97. Defendant lacks information and belief sufficient to enable it to answer the allegations  
8 contained within paragraph 97 of the Amended Complaint and therefore denies the allegations  
9 contained therein.

10      98. Defendant lacks information and belief sufficient to enable it to answer the allegations  
11 contained within paragraph 98 of the Amended Complaint and therefore denies the allegations  
12 contained therein.

13      99. Defendant lacks information and belief sufficient to enable it to answer the allegations  
14 contained within paragraph 99 of the Amended Complaint and therefore denies the allegations  
15 contained therein.

16      100. Defendant lacks information and belief sufficient to enable it to answer the allegations  
17 contained within paragraph 100 of the Amended Complaint and therefore denies the allegations  
18 contained therein.

19      101. Defendant lacks information and belief sufficient to enable it to answer the allegations  
20 contained within paragraph 101 of the Amended Complaint and therefore denies the allegations  
21 contained therein.

22      102. Defendant lacks information and belief sufficient to enable it to answer the allegations  
23 contained within paragraph 102 of the Amended Complaint and therefore denies the allegations  
24 contained therein.

25      103. Defendant lacks information and belief sufficient to enable it to answer the allegations  
26 contained within paragraph 103 of the Amended Complaint and therefore denies the allegations  
27 contained therein.

1       104. Defendant lacks information and belief sufficient to enable it to answer the allegations  
2 contained within paragraph 104 of the Amended Complaint and therefore denies the allegations  
3 contained therein.

4       105. Defendant lacks information and belief sufficient to enable it to answer the allegations  
5 contained within paragraph 105 of the Amended Complaint and therefore denies the allegations  
6 contained therein.

7       106. Defendant lacks information and belief sufficient to enable it to answer the allegations  
8 contained within paragraph 106 of the Amended Complaint and therefore denies the allegations  
9 contained therein.

10      107. Defendant lacks information and belief sufficient to enable it to answer the allegations  
11 contained within paragraph 107 of the Amended Complaint and therefore denies the allegations  
12 contained therein.

13      108. Defendant lacks information and belief sufficient to enable it to answer the allegations  
14 contained within paragraph 108 of the Amended Complaint and therefore denies the allegations  
15 contained therein.

16      109. Defendant lacks information and belief sufficient to enable it to answer the allegations  
17 contained within paragraph 109 of the Amended Complaint and therefore denies the allegations  
18 contained therein.

19      110. Defendant lacks information and belief sufficient to enable it to answer the allegations  
20 contained within paragraph 110 of the Amended Complaint and therefore denies the allegations  
21 contained therein.

22      111. Defendant lacks information and belief sufficient to enable it to answer the allegations  
23 contained within paragraph 111 of the Amended Complaint and therefore denies the allegations  
24 contained therein.

25      112. Defendant lacks information and belief sufficient to enable it to answer the allegations  
26 contained within paragraph 112 of the Amended Complaint and therefore denies the allegations  
27 contained therein.

1       113. Defendant lacks information and belief sufficient to enable it to answer the allegations  
2 contained within paragraph 113 of the Amended Complaint and therefore denies the allegations  
3 contained therein.

4       114. Defendant lacks information and belief sufficient to enable it to answer the allegations  
5 contained within paragraph 114 of the Amended Complaint and therefore denies the allegations  
6 contained therein.

7       115. Defendant lacks information and belief sufficient to enable it to answer the allegations  
8 contained within paragraph 115 of the Amended Complaint and therefore denies the allegations  
9 contained therein.

10      116. Defendant lacks information and belief sufficient to enable it to answer the allegations  
11 contained within paragraph 116 of the Amended Complaint and therefore denies the allegations  
12 contained therein. As to the allegations at pages 23-24, lines 28 and 1-2, Defendant lacks information  
13 and belief sufficient to enable it to answer those allegations and therefore denies same.

14      117. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 117 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17      118. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 118 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20      119. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 119 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23      120. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 120 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26      121. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 121 of the Amended Complaint and therefore denies the allegations  
28

1 || contained therein.

2       122. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 122 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5       123. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 123 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8       124. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 124 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

## **CAUSES OF ACTION AGAINST EBAY**

12        125. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 125 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15        126. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 126 of the Amended Complaint and therefore denies the allegations  
17 contained therein

18        127. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 127 of the Amended Complaint and therefore denies the allegations  
20 contained therein

21       128. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 128 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       129. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 129 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27 130. Defendant lacks information and belief sufficient to enable it to answer the allegations

1 contained within paragraph 130 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       131. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 131 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       132. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 132 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       133. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 133 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       134. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 134 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       135. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 135 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       136. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 136 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       137. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 137 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       138. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 138 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       139. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 139 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       140. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 140 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       141. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 141 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       142. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 142 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       143. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 143 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       144. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 144 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       145. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 145 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       146. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 146 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       147. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 147 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       148. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 148 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       149. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 149 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       150. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 150 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       151. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 151 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       152. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 152 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       153. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 153 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       154. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 154 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       155. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 155 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       156. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 156 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       157. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 157 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       158. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 158 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       159. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 159 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       160. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 160 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       161. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 161 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       162. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 162 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       163. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 163 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       164. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 164 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       165. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 165 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       166. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 166 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       167. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 167 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       168. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 168 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       169. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 169 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       170. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 170 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       171. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 171 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       172. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 172 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       173. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 173 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       174. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 174 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       175. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 175 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       176. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 176 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       177. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 177 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       178. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 178 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       179. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 179 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       180. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 180 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       181. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 181 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       182. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 182 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       183. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 183 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       184. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 184 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       185. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 185 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       186. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 186 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       187. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 187 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       188. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 188 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       189. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 189 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       190. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 190 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       191. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 191 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       192. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 192 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       193. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 193 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       194. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 194 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       195. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 195 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       196. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 196 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       197. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 197 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       198. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 198 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       199. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 199 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       200. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 200 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       201. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 201 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       202. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 202 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3 203. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 203 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6 204. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 204 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9 205. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 205 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12 206. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 206 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15 207. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 207 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18 208. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 208 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21 209. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 209 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24 210. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 210 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27 211. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 211 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3 212. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 212 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6 213. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 213 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9 **CAUSES OF ACTION AGAINST HJA**

10 214. Defendant incorporates by reference its responses to Paragraphs 1 through 213 of the  
11 Amended Complaint as though fully set forth herein.

12 215. Defendant admits that plaintiff Mazur purports to bring this claim individually and on  
13 behalf of the class against HJA.

14 216. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 216 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17 217. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 217 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20 218. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 218 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23 219. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 219 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26 220. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 220 of the Amended Complaint and therefore denies the allegations  
28

1 contained therein.

2 221. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 221 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5 222. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 222 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8 223. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 223 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

11 224. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 224 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14 225. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 225 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17 226. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 226 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20 227. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 227 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23 228. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 228 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26 229. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 229 of the Amended Complaint and therefore denies the allegations  
28

1 contained therein.

2       230. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 230 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5       231. Defendant incorporates by reference its responses to paragraphs 1 through 230 of the  
6 Amended Complaint as though fully set forth herein.

7       232. Defendant admits that plaintiff Mazur purports to bring this claim individually and on  
8 behalf of the class against HJA.

9       233. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 233 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       234. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 234 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       235. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 235 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       236. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 236 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       237. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 237 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       238. Defendant incorporates by reference its responses to paragraphs 1 through 237 of the  
25 Amended Complaint as though fully set forth herein.

26       239      Defendant admits that plaintiff Mazur purports to bring this claim individually and on  
27 behalf of the class against HJA.

1       240. Defendant lacks information and belief sufficient to enable it to answer the allegations  
2 contained within paragraph 240 of the Amended Complaint and therefore denies the allegations  
3 contained therein.

4       241. Defendant lacks information and belief sufficient to enable it to answer the allegations  
5 contained within paragraph 241 of the Amended Complaint and therefore denies the allegations  
6 contained therein.

7       242. Defendant lacks information and belief sufficient to enable it to answer the allegations  
8 contained within paragraph 242 of the Amended Complaint and therefore denies the allegations  
9 contained therein.

10      243. Defendant lacks information and belief sufficient to enable it to answer the allegations  
11 contained within paragraph 243 of the Amended Complaint and therefore denies the allegations  
12 contained therein.

13      244. Defendant lacks information and belief sufficient to enable it to answer the allegations  
14 contained within paragraph 244 of the Amended Complaint and therefore denies the allegations  
15 contained therein.

16      245. Defendant lacks information and belief sufficient to enable it to answer the allegations  
17 contained within paragraph 245 of the Amended Complaint and therefore denies the allegations  
18 contained therein.

19      246. Defendant lacks information and belief sufficient to enable it to answer the allegations  
20 contained within paragraph 246 of the Amended Complaint and therefore denies the allegations  
21 contained therein.

22      247. Defendant lacks information and belief sufficient to enable it to answer the allegations  
23 contained within paragraph 247 of the Amended Complaint and therefore denies the allegations  
24 contained therein.

25      248. Defendant lacks information and belief sufficient to enable it to answer the allegations  
26 contained within paragraph 248 of the Amended Complaint and therefore denies the allegations  
27 contained therein.

1       249. Defendant incorporates herein by reference its responses to paragraphs 1 through 248  
2 of the Amended Complaint as though fully set forth herein.

3       250. Defendant admits that plaintiff Mazur purports to bring this claim individually and on  
4 behalf of the class against HJA.

5       251. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 251 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8       252. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 252 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

11       253. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 253 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14       254. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 254 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17       255. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 255 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20       256. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 256 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23       257. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 257 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26       258. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 258 of the Amended Complaint and therefore denies the allegations  
28

1 contained therein.

2 259. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 259 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5 260. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 260 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8 261. Defendant incorporates by reference its responses to paragraphs 1 through 260 of the  
9 Amended Complaint as though fully set forth herein.

10 262. Defendant admits that plaintiff Mazur purports to bring this claim individually and on  
11 behalf of the class against HJA.

12 263. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 263 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15 264. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 264 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18 265. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 265 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21 266. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 266 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24 267. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 267 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27 268. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 268 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3 269. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 269 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6 270. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 270 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9 271. Defendant incorporates by reference its responses to paragraphs 1 through 270 of the  
10 Amended Complaint as though fully set forth herein.

11 272. Defendant admits that plaintiff Mazur purports to bring this claim individually and on  
12 behalf of the class against HJA.

13 273. Defendant lacks information and belief sufficient to enable it to answer the allegations  
14 contained within paragraph 273 of the Amended Complaint and therefore denies the allegations  
15 contained therein.

16 274. Defendant lacks information and belief sufficient to enable it to answer the allegations  
17 contained within paragraph 274 of the Amended Complaint and therefore denies the allegations  
18 contained therein.

19 275. Defendant lacks information and belief sufficient to enable it to answer the allegations  
20 contained within paragraph 275 of the Amended Complaint and therefore denies the allegations  
21 contained therein.

22 276. Defendant lacks information and belief sufficient to enable it to answer the allegations  
23 contained within paragraph 276 of the Amended Complaint and therefore denies the allegations  
24 contained therein.

25 277. Defendant incorporates by reference its responses to paragraphs 1 through 276 of the  
26 Amend Complaint as though fully set forth herein.

27 278. Defendant admits that plaintiff Mazur purports to bring this claim individually and on  
28

1 behalf of the class against HJA.

2 279. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 279 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5 280. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 280 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8 281. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 281 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

11 282. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 282 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14 283. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 283 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17 284. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 284 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20 285. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 285 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23 286. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 286 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26 287. Defendant incorporates by reference its responses to paragraphs 1 through 286 of the  
27 Amend Complaint as though fully set forth herein.

1       288. Defendant admits that plaintiff Mazur purports to bring this claim individually and on  
 2 behalf of the class against HJA.

3       289. Defendant lacks information and belief sufficient to enable it to answer the allegations  
 4 contained within paragraph 289 of the Amended Complaint and therefore denies the allegations  
 5 contained therein.

6       290. Defendant lacks information and belief sufficient to enable it to answer the allegations  
 7 contained within paragraph 290 of the Amended Complaint and therefore denies the allegations  
 8 contained therein.

9       291. Defendant lacks information and belief sufficient to enable it to answer the allegations  
 10 contained within paragraph 291 of the Amended Complaint and therefore denies the allegations  
 11 contained therein.

#### **CAUSES OF ACTION AGAINST NEIMANS**

12      292. Defendant incorporates by reference its responses to paragraphs 1 through 291 of the  
 13 Amend Complaint as though fully set forth herein.

14      293. Defendant admits that plaintiff Bates purports to bring this claim individually and on  
 15 behalf of the class against HJA.

16      294. Defendant lacks information and belief sufficient to enable it to answer the allegations  
 17 contained within paragraph 294 the Amended Complaint and therefore denies the allegations contained  
 18 therein.

19      295. Defendant lacks information and belief sufficient to enable it to answer the allegations  
 20 contained within paragraph 295 of the Amended Complaint and therefore denies the allegations  
 21 contained therein.

22      296. Defendant lacks information and belief sufficient to enable it to answer the allegations  
 23 contained within paragraph 296 of the Amended Complaint and therefore denies the allegations  
 24 contained therein.

25      297. Defendant lacks information and belief sufficient to enable it to answer the allegations  
 26 contained within paragraph 297 of the Amended Complaint and therefore denies the allegations  
 27 contained therein.

1 contained therein.

2 298. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 298 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5 299. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 299 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8 300. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 300 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

11 301. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 301 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14 302. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 302 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17 303. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 303 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20 304. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 304 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23 305. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 305 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26 306. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 306 of the Amended Complaint and therefore denies the allegations  
28

1 contained therein.

2       307. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 307 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5       308. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 308 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8       309. Defendant incorporates by reference its responses to paragraphs 1 through 308 of the  
9 Amend Complaint as though fully set forth herein.

10      310. Defendant lacks information and belief sufficient to enable it to answer the allegations  
11 contained within paragraph 310 of the Amended Complaint and therefore denies the allegations  
12 contained therein.

13      311. Defendant lacks information and belief sufficient to enable it to answer the allegations  
14 contained within paragraph 311 of the Amended Complaint and therefore denies the allegations  
15 contained therein.

16      312. Defendant lacks information and belief sufficient to enable it to answer the allegations  
17 contained within paragraph 312 of the Amended Complaint and therefore denies the allegations  
18 contained therein.

19      313. Defendant lacks information and belief sufficient to enable it to answer the allegations  
20 contained within paragraph 313 of the Amended Complaint and therefore denies the allegations  
21 contained therein.

22      314. Defendant lacks information and belief sufficient to enable it to answer the allegations  
23 contained within paragraph 314 of the Amended Complaint and therefore denies the allegations  
24 contained therein.

25      315. Defendant lacks information and belief sufficient to enable it to answer the allegations  
26 contained within paragraph 315 of the Amended Complaint and therefore denies the allegations  
27 contained therein.

1       316. Defendant incorporates by reference its responses to paragraphs 1 through 315 of the  
2 Amend Complaint as though fully set forth herein.

3       317. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 317 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       318. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 318 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       319. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 319 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       320. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 320 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       321. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 321 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       322. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 322 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       323. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 323 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       324. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 324 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       325. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 325 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3 326. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 326 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6 327. Defendant incorporates by reference its responses to paragraphs 1 through 326 of the  
7 Amend Complaint as though fully set forth herein.

8 328. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 328 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

11 329. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 329 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14 330. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 330 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17 331. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 331 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20 332. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 332 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23 333. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 333 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26 334. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 334 of the Amended Complaint and therefore denies the allegations  
28

1 contained therein.

2       335. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 335 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5       336. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 336 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8       337. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 337 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

11      338. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 338 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14      339. Defendant incorporates by reference its responses to paragraphs 1 through 338 of the  
15 Amend Complaint as though fully set forth herein.

16      340. Defendant lacks information and belief sufficient to enable it to answer the allegations  
17 contained within paragraph 340 of the Amended Complaint and therefore denies the allegations  
18 contained therein.

19      341. Defendant lacks information and belief sufficient to enable it to answer the allegations  
20 contained within paragraph 341 of the Amended Complaint and therefore denies the allegations  
21 contained therein.

22      342. Defendant lacks information and belief sufficient to enable it to answer the allegations  
23 contained within paragraph 342 of the Amended Complaint and therefore denies the allegations  
24 contained therein.

25      343. Defendant lacks information and belief sufficient to enable it to answer the allegations  
26 contained within paragraph 343 of the Amended Complaint and therefore denies the allegations  
27 contained therein.

1       344. Defendant lacks information and belief sufficient to enable it to answer the allegations  
2 contained within paragraph 344 of the Amended Complaint and therefore denies the allegations  
3 contained therein.

4       345. Defendant lacks information and belief sufficient to enable it to answer the allegations  
5 contained within paragraph 345 of the Amended Complaint and therefore denies the allegations  
6 contained therein.

7       346. Defendant lacks information and belief sufficient to enable it to answer the allegations  
8 contained within paragraph 346 of the Amended Complaint and therefore denies the allegations  
9 contained therein.

10      347. Defendant lacks information and belief sufficient to enable it to answer the allegations  
11 contained within paragraph 347 of the Amended Complaint and therefore denies the allegations  
12 contained therein.

13      348. Defendant lacks information and belief sufficient to enable it to answer the allegations  
14 contained within paragraph 348 of the Amended Complaint and therefore denies the allegations  
15 contained therein.

16      349. Defendant incorporates by reference its responses to paragraphs 1 through 348 of the  
17 Amend Complaint as though fully set forth herein.

18      350. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 350 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21      351. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 351 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24      352. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 352 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27      353. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 353 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3 354. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 354 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6 355. Defendant incorporates by reference its responses to paragraphs 1 through 354 of the  
7 Amend Complaint as though fully set forth herein.

8 356. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 356 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

11 357. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 357 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14 358. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 358 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17 359. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 359 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20 360. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 360 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23 361. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 361 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26 362. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 362 of the Amended Complaint and therefore denies the allegations  
28

1 contained therein.

2       363. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 363 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5       364. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 364 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8       365. Defendant incorporates by reference its responses to paragraphs 1 through 364 of the  
9 Amend Complaint as though fully set forth herein.

10       366. Defendant lacks information and belief sufficient to enable it to answer the allegations  
11 contained within paragraph 366 of the Amended Complaint and therefore denies the allegations  
12 contained therein.

13       367. Defendant lacks information and belief sufficient to enable it to answer the allegations  
14 contained within paragraph 367 of the Amended Complaint and therefore denies the allegations  
15 contained therein.

16       368. Defendant lacks information and belief sufficient to enable it to answer the allegations  
17 contained within paragraph 368 of the Amended Complaint and therefore denies the allegations  
18 contained therein.

19       369. Defendant lacks information and belief sufficient to enable it to answer the allegations  
20 contained within paragraph 369 of the Amended Complaint and therefore denies the allegations  
21 contained therein.

22       370. Defendant incorporates by reference its responses to paragraphs 1 through 369 of the  
23 Amend Complaint as though fully set forth herein.

24       371. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 371 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       372. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 372 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       373. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 373 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       374. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 374 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       375. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 375 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12       376. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 376 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15       377. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 377 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18       378. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 378 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21       379. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 379 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24       380. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 380 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27       381. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 381 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3 382. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 382 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6 383. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 383 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9 384. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 384 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12 385. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 385 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15 386. Defendant incorporates by reference its responses to paragraphs 1 through 385 of the  
16 Amend Complaint as though fully set forth herein.

17 387. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 387 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20 388. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 388 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23 389. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 389 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26 390. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 390 of the Amended Complaint and therefore denies the allegations  
28

1 contained therein.

2       391. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 391 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5       392. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 392 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8       393. Defendant incorporates by reference its responses to paragraphs 1 through 392 of the  
9 Amend Complaint as though fully set forth herein.

10       394. Defendant lacks information and belief sufficient to enable it to answer the allegations  
11 contained within paragraph 394 of the Amended Complaint and therefore denies the allegations  
12 contained therein.

13       395. Defendant lacks information and belief sufficient to enable it to answer the allegations  
14 contained within paragraph 395 of the Amended Complaint and therefore denies the allegations  
15 contained therein.

16       396. Defendant lacks information and belief sufficient to enable it to answer the allegations  
17 contained within paragraph 396 of the Amended Complaint and therefore denies the allegations  
18 contained therein.

19       397. Defendant lacks information and belief sufficient to enable it to answer the allegations  
20 contained within paragraph 397 of the Amended Complaint and therefore denies the allegations  
21 contained therein.

22       398. Defendant lacks information and belief sufficient to enable it to answer the allegations  
23 contained within paragraph 398 of the Amended Complaint and therefore denies the allegations  
24 contained therein.

25       399. Defendant lacks information and belief sufficient to enable it to answer the allegations  
26 contained within paragraph 399 of the Amended Complaint and therefore denies the allegations  
27 contained therein.

1       400. Defendant lacks information and belief sufficient to enable it to answer the allegations  
2 contained within paragraph 400 of the Amended Complaint and therefore denies the allegations  
3 contained therein.

4       401. Defendant lacks information and belief sufficient to enable it to answer the allegations  
5 contained within paragraph 401 of the Amended Complaint and therefore denies the allegations  
6 contained therein.

7       402. Defendant lacks information and belief sufficient to enable it to answer the allegations  
8 contained within paragraph 402 of the Amended Complaint and therefore denies the allegations  
9 contained therein.

10      403. Defendant lacks information and belief sufficient to enable it to answer the allegations  
11 contained within paragraph 403 of the Amended Complaint and therefore denies the allegations  
12 contained therein.

13      404. Defendant incorporates by reference its responses to paragraphs 1 through 403 of the  
14 Amend Complaint as though fully set forth herein.

15      405. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 405 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18      406. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 406 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21      407. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 407 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24      408. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 408 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27      409. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 409 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3       410. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 410 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6       411. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 411 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9       412. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 412 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12      413. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 413 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15      414. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 414 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18      415. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 415 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21      416. Defendant incorporates by reference its responses to paragraphs 1 through 415 of the  
22 Amend Complaint as though fully set forth herein.

23      417. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 417 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26      418. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 418 of the Amended Complaint and therefore denies the allegations  
28

1 contained therein.

2 419. Defendant lacks information and belief sufficient to enable it to answer the allegations  
3 contained within paragraph 419 of the Amended Complaint and therefore denies the allegations  
4 contained therein.

5 420. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 420 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8 421. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 421 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

11 422. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 422 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14 423. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 423 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

17 424. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 424 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20 425. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 425 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23 426. Defendant incorporates by reference its responses to paragraphs 1 through 425 of the  
24 Amend Complaint as though fully set forth herein.

25 427. Defendant lacks information and belief sufficient to enable it to answer the allegations  
26 contained within paragraph 427 of the Amended Complaint and therefore denies the allegations  
27 contained therein.

1       428. Defendant lacks information and belief sufficient to enable it to answer the allegations  
2 contained within paragraph 428 of the Amended Complaint and therefore denies the allegations  
3 contained therein.

4       429. Defendant lacks information and belief sufficient to enable it to answer the allegations  
5 contained within paragraph 429 of the Amended Complaint and therefore denies the allegations  
6 contained therein.

7       430. Defendant lacks information and belief sufficient to enable it to answer the allegations  
8 contained within paragraph 430 of the Amended Complaint and therefore denies the allegations  
9 contained therein.

10      431. Defendant lacks information and belief sufficient to enable it to answer the allegations  
11 contained within paragraph 431 of the Amended Complaint and therefore denies the allegations  
12 contained therein.

13      432. Defendant incorporates by reference its responses to paragraphs 1 through 431 of the  
14 Amend Complaint as though fully set forth herein.

15      433. Defendant lacks information and belief sufficient to enable it to answer the allegations  
16 contained within paragraph 433 of the Amended Complaint and therefore denies the allegations  
17 contained therein.

18      434. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 434 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21      435. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 435 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24      436. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 436 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27      437. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 437 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3 438. Defendant lacks information and belief sufficient to enable it to answer the allegations  
4 contained within paragraph 438 of the Amended Complaint and therefore denies the allegations  
5 contained therein.

6 439. Defendant lacks information and belief sufficient to enable it to answer the allegations  
7 contained within paragraph 439 of the Amended Complaint and therefore denies the allegations  
8 contained therein.

9 440. Defendant lacks information and belief sufficient to enable it to answer the allegations  
10 contained within paragraph 440 of the Amended Complaint and therefore denies the allegations  
11 contained therein.

12 441. Defendant lacks information and belief sufficient to enable it to answer the allegations  
13 contained within paragraph 441 of the Amended Complaint and therefore denies the allegations  
14 contained therein.

15 442. Defendant incorporates by reference its responses to paragraphs 1 through 441 of the  
16 Amend Complaint as though fully set forth herein.

17 443. Defendant lacks information and belief sufficient to enable it to answer the allegations  
18 contained within paragraph 443 of the Amended Complaint and therefore denies the allegations  
19 contained therein.

20 444. Defendant lacks information and belief sufficient to enable it to answer the allegations  
21 contained within paragraph 444 of the Amended Complaint and therefore denies the allegations  
22 contained therein.

23 445. Defendant lacks information and belief sufficient to enable it to answer the allegations  
24 contained within paragraph 445 of the Amended Complaint and therefore denies the allegations  
25 contained therein.

26 446. Defendant lacks information and belief sufficient to enable it to answer the allegations  
27 contained within paragraph 446 of the Amended Complaint and therefore denies the allegations  
28

1 contained therein.

2 447. Defendant incorporates by reference its responses to paragraphs 1 through 446 of the  
3 Amend Complaint as though fully set forth herein.

4 448. Defendant lacks information and belief sufficient to enable it to answer the allegations  
5 contained within paragraph 448 of the Amended Complaint and therefore denies the allegations  
6 contained therein.

7 449. Defendant lacks information and belief sufficient to enable it to answer the allegations  
8 contained within paragraph 449 of the Amended Complaint and therefore denies the allegations  
9 contained therein.

10 450. Defendant lacks information and belief sufficient to enable it to answer the allegations  
11 contained within paragraph 450 of the Amended Complaint and therefore denies the allegations  
12 contained therein.

13 451. Defendant lacks information and belief sufficient to enable it to answer the allegations  
14 contained within paragraph 451 of the Amended Complaint and therefore denies the allegations  
15 contained therein.

16 452. Defendant lacks information and belief sufficient to enable it to answer the allegations  
17 contained within paragraph 452 of the Amended Complaint and therefore denies the allegations  
18 contained therein.

19 453. Defendant lacks information and belief sufficient to enable it to answer the allegations  
20 contained within paragraph 453 of the Amended Complaint and therefore denies the allegations  
21 contained therein.

22 454. Defendant lacks information and belief sufficient to enable it to answer the allegations  
23 contained within paragraph 454 of the Amended Complaint and therefore denies the allegations  
24 contained therein.

25 455. Defendant lacks information and belief sufficient to enable it to answer the allegations  
26 contained within paragraph 455 of the Amended Complaint and therefore denies the allegations  
27 contained therein.

28

1       456. Defendant lacks information and belief sufficient to enable it to answer the allegations  
2 contained within paragraph 456 of the Amended Complaint and therefore denies the allegations  
3 contained therein.

4       457. Defendant lacks information and belief sufficient to enable it to answer the allegations  
5 contained within paragraph 457 of the Amended Complaint and therefore denies the allegations  
6 contained therein.

7       458. Defendant lacks information and belief sufficient to enable it to answer the allegations  
8 contained within paragraph 458 of the Amended Complaint and therefore denies the allegations  
9 contained therein.

10      459. Defendant lacks information and belief sufficient to enable it to answer the allegations  
11 contained within paragraph 459 of the Amended Complaint and therefore denies the allegations  
12 contained therein.

13      460. Defendant lacks information and belief sufficient to enable it to answer the allegations  
14 contained within paragraph 460 of the Amended Complaint and therefore denies the allegations  
15 contained therein.

16      461. Defendant incorporates by reference its responses to paragraphs 1 through 460 of the  
17 Amend Complaint as though fully set forth herein.

18      462. Defendant lacks information and belief sufficient to enable it to answer the allegations  
19 contained within paragraph 462 of the Amended Complaint and therefore denies the allegations  
20 contained therein.

21      463. Defendant lacks information and belief sufficient to enable it to answer the allegations  
22 contained within paragraph 463 of the Amended Complaint and therefore denies the allegations  
23 contained therein.

24      464. Defendant lacks information and belief sufficient to enable it to answer the allegations  
25 contained within paragraph 464 of the Amended Complaint and therefore denies the allegations  
26 contained therein.

27      465. Defendant lacks information and belief sufficient to enable it to answer the allegations  
28

1 contained within paragraph 465 of the Amended Complaint and therefore denies the allegations  
2 contained therein.

3           466. Defendant incorporates by reference its responses to paragraphs 1 through 465 of the  
4 Amend Complaint as though fully set forth herein.

5       467. Defendant lacks information and belief sufficient to enable it to answer the allegations  
6 contained within paragraph 467 of the Amended Complaint and therefore denies the allegations  
7 contained therein.

8       468. Defendant lacks information and belief sufficient to enable it to answer the allegations  
9 contained within paragraph 468 of the Amended Complaint and therefore denies the allegations  
10 contained therein.

11       469. Defendant lacks information and belief sufficient to enable it to answer the allegations  
12 contained within paragraph 469 of the Amended Complaint and therefore denies the allegations  
13 contained therein.

14        470. Defendant lacks information and belief sufficient to enable it to answer the allegations  
15 contained within paragraph 470 of the Amended Complaint and therefore denies the allegations  
16 contained therein.

## AFFIRMATIVE DEFENSES

## FIRST AFFIRMATIVE DEFENSE

**(Failure To State A Cause Of Action)**

20       471. Answering Defendant states and alleges that Plaintiff's First Amended Complaint, in  
21 whole and in part, and each and every allegation and cause of action contained therein, fails to set forth  
22 facts sufficient to constitute any cause of action against answering Defendant.

## SECOND AFFIRMATIVE DEFENSE

## **(Failure To Mitigate)**

25        472. As a separate, distinct and second affirmative defense, answering Defendant states and  
26 alleges that if any loss, damage, or detriment has occurred as alleged in Plaintiff's First Amended  
27 Complaint, then Plaintiff's alleged losses, if any, should be reduced in whole or in part, as a result of

1 Plaintiff's failure to mitigate her damages.

2 **THIRD AFFIRMATIVE DEFENSE**

3 **(Statute Of Limitations)**

4 473. As a separate, distinct and third affirmative defense, answering Defendant states and  
 5 alleges that Plaintiff's First Amended Complaint, in whole and in part, or any cause of action  
 6 purportedly alleged therein, is barred by the applicable statute of limitations, including, but not limited  
 7 to, California Code of Civil Procedure §§335.1, 340, *et seq.*, *et al.*, and California Government Code  
 8 §12960 *et seq.*, *et al.*, as applicable herein.

9 **FOURTH AFFIRMATIVE DEFENSE**

10 **(Estoppel)**

11 474. Answering Defendant states and alleges that Plaintiff is estopped from seeking recovery  
 12 against answering Defendant on the basis of matters alleged in her First Amended Complaint.

13 **FIFTH AFFIRMATIVE DEFENSE**

14 **(Waiver)**

15 475. As a separate, distinct and fifth affirmative defense, answering Defendant states and  
 16 alleges that Plaintiff has waived her right to proceed against answering Defendant for recovery of  
 17 damages, if any, as alleged in Plaintiff's First Amended Complaint.

18 **SIXTH AFFIRMATIVE DEFENSE**

19 **(Unclean Hands)**

20 476. Answering Defendant states and alleges that Plaintiff's recovery of damages is barred  
 21 as a result of Plaintiff's unclean hands.

22 **SEVENTH AFFIRMATIVE DEFENSE**

23 **(Laches)**

24 477. As a separate, distinct and seventh affirmative defense, answering Defendant states  
 25 and alleges that Plaintiff's recovery against answering Defendant on the basis of matters alleged in  
 26 Plaintiff's First Amended Complaint is barred under the Doctrine of Laches.

27 ///

## **EIGHTH AFFIRMATIVE DEFENSE**

**(Practice Not Unfair, Unlawful or Fraudulent)**

3           478. As a separate distinct and eighth affirmative defense answering Defendant states that  
4 the business practice complained of is not unfair, false, fraudulent, deceptive, unlawful or misleading.

## **NINTH AFFIRMATIVE DEFENSE**

### **(Right to Amend)**

7       479. As a separate, distinct and affirmative defense, answering Defendant states and  
8 alleges that it specifically reserves its right to amend, modify or supplement its above Answer any  
9 affirmative defenses alleged therein, as allowed and permitted under California law.

**TENTH AFFIRMATIVE DEFENSE**

### **(Inadequacy of Class Representatives)**

12       480. Answering Defendant is informed and believes, and based thereon alleges, that the  
13 Plaintiff is not a proper representative of the class she purports to represent and, accordingly, this action  
14 is not properly brought as a class action.

**ELEVENTH AFFIRMATIVE DEFENSE**

### **(Non-Certifiable Class)**

17       481. Answering Defendant is informed and believes, and based thereon alleges, that the  
18 Plaintiff's Complaint does not state facts sufficient to certify a class and that this action is not properly  
19 brought as a class action.

#### **TWELFTH AFFIRMATIVE DEFENSE**

**(Consent)**

22       482. Answering Defendant is informed and believes, and based thereon alleges, that the  
23 Plaintiff is unable to state a cause of action or sustain her Complaint against answering Defendant  
24 because the Plaintiff consented to any and all actions alleged to have been taken by answering  
25 Defendant.

26 //

27 //

1                   **THIRTEENTH AFFIRMATIVE DEFENSE**

2                   **(Business Justification)**

3       483. The Plaintiff's Complaint, and each purported cause of action alleged therein, is barred  
4 because answering Defendant's conduct in its industry has been reasonable and is justified by legitimate  
5 business and economic considerations.

6                   **FOURTEENTH AFFIRMATIVE DEFENSE**

7                   **(No Availability of Damages)**

8       484. Pursuant to California Business and Professions Code Section 17200, *et. seq.*, the  
9 Plaintiff is not entitled to an award of damages.

10                  **FIFTEENTH AFFIRMATIVE DEFENSE**

11                  **(Lack of Specificity)**

12       485. The Second Cause of Action contained in the Plaintiff's Complaint, alleging unfair  
13 business practices in violation of California Business and Professions Code Section 17200, *et. seq.*, is  
14 barred because it fails to plead specific facts capable of stating a claim for unfair business practices.

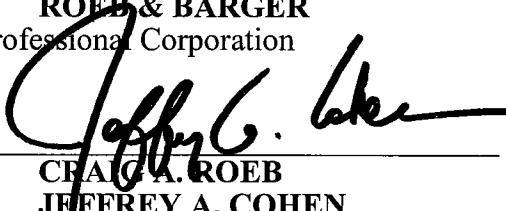
15                  **WHEREFORE**, answering Defendant prays as follows:

16       (1) That Plaintiffs takes nothing by way of their First Amended Complaint;  
17       (2) That judgment be entered in favor of answering Defendant and against Plaintiffs;  
18       (3) That answering Defendant be awarded its costs of the suit incurred herein; and,  
19       (4) That answering Defendant be awarded such other and further relief as the Court deems  
20 just and proper.

21                  DATED: May 9, 2008

22                  **CHAPMAN, GLUCKSMAN, DEAN,**  
**ROEB & BARGER**

23                  A Professional Corporation

24                  By: 

25                  **CRAIG A. ROEB**  
**JEFFREY A. COHEN**

26                  Attorneys for Defendant HILL STREET JEWELERS  
27                  USA, INC. d/b/a HOT JEWELRY AUCTIONS.COM  
28                  d/b/a JEWELRY OVERSTOCK AUCTIONS and HILL  
                        STREET JEWELERS USA, INC. d/b/a HOT JEWELRY  
                        AUCTIONS.COM d/b/a PARAMOUNT AUCTIONS

**CERTIFICATE OF SERVICE**

I hereby certify that on May 9 , 2008, I electronically filed the foregoing **DEFENDANT HILL STREET JEWELERS USA, INC. d/b/a HOT JEWELRY AUCTIONS.COM d/b/a JEWELRY OVERSTOCK AUCTIONS** and **HILL STREET JEWELERS USA, INC. d/b/a HOT JEWELRY AUCTIONS.COM d/b/a PARAMOUNT AUCTIONS ANSWER TO THE FIRST AMENDED CLASS ACTION COMPLAINT** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record at the following listed email addresses.

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4 San Diego, CA 92121-9109

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5 Joseph Samuel Leventhal, Esq.  
6 Cooley Godward, LLP  
7 4401 Eastgate Mall  
8 San Diego, CA 92121-9109

Leventhaljs@cooley.com

9 Dated: May 9, 2008

10 

11 Lisa B. Gill

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15 Los Angeles, CA 90064

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